

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Anthony James Moore,

Plaintiff,

vs.

Thomas Dahl, in his individual and
official capacities,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 1:06-cv-096

Magistrate Judge Charles S. Miller, Jr. conducted a continuation of the initial review of Moore's amended complaint as mandated by 28 U.S.C. § 1915A after the severance of the complaint into three separate actions, and on December 14, 2006, submitted a Report and Recommendation. Judge Miller recommended that Moore's complaint against Defendant Thomas Dahl be dismissed as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) & 1915A(2) with one strike counted pursuant to Section 1915(g) if Moore failed within ten days of the date of the Report and Recommendation to either submit a second amended complaint requesting appropriate relief against Defendant Dahl or voluntarily dismiss the action. See Docket No. 10. On December 19, 2006, Moore filed an objection to the Report and Recommendation and refused to modify the relief requested against Defendant Dahl. See Docket No. 11.

The Court has carefully reviewed the Report and Recommendation, relevant case law, Moore's objection, and the entire record and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 10) in its entirety. The Court **ORDERS** that Moore's complaint against Dahl be dismissed as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) & 1915A(2) with one strike counted pursuant to Section 1915(g). The Clerk of Court is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated this 20th day of December, 2006.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court